

Message Text

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21

ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 OES-05 AID-05 CEA-01 CIAE-00

COME-00 EB-07 EA-10 FRB-01 INR-07 IO-10 NEA-10

NSAE-00 OPIC-06 SP-02 TRSE-00 CIEP-02 LAB-04 SIL-01

OMB-01 (ISO) R

DRAFTED BY L/OES/JR COOK

APPROVED BY OES/ENP/EN - MR. GRANT, EUR/RPE - MR. LAMB

OES/ENP/EN - MR. GLASOE

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R 172318Z JUL 75

FM SECSTATE WASHDC

TO USMISSION OECD PARIS

UNCLAS STATE 169121

E.O. 11652: N/A

TAGS: SENV

SUBJECT: TFP GROUP "PROVISIONAL SUMMARY OF DISCUSSIONS
ON LIABILITY AND RESPONSIBILITY"

1. AT CONCLUSION OF JULY 7-9 MEETING OF TFP GROUP, SECRETARIAT PREPARED A "PROVISIONAL SUMMARY" OF THE GROUP'S DISCUSSIONS, AND REQUESTED THE COMMENTS OF GOVERNMENTS BY JULY 20.

2. WE UNDERSTAND THAT PROVISIONAL SUMMARY IS NOT INTENDED TO HAVE ANY OFFICIAL STATUS, BUT IS INSTEAD INTENDED TO GUIDE SECRETARIAT IN ITS FUTURE WORK.'

3. ON THIS BASIS, WE HAVE NO MAJOR PROBLEMS WITH DOCUMENT. HOWEVER, MISSION REQUESTED TO COMMUNICATE FOLLOWING SUGGESTIONS TO SECRETARIAT:

-- WE BELIEVE THAT THE RELATIONSHIP BETWEEN PART A (ACTIONS FOR COMPENSATION) AND PART B (PUBLIC UNCLASSIFIED

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INTERNATIONAL LIABILITY) SHOULD BE CLARIFIED. TO

THIS END, PART L (A) SHOULD BE EXPANDED TO MAKE
CLEAR THAT THE STATE OF ORIGIN OF POLLUTION IS NOT
LEGALLY OBLIGED TO RESPOND TO THE DIPLOMATIC EN-
TREATIES OF THE DOWNSTREAM STATE, UNLESS IT IS
LIABLE UNDER INTERNATIONAL LAW FOR SOME BREACH OF
AN OBLIGATION TO THE DOWNSTREAM STATE.

-- ON PAGE 2, THE MEANING OF FIRST SENTENCE OF PART
B IS NOT CLEAR TO US. WE FEEL THAT THIS SENTENCE
SHOULD BE DELETED, AND THE SECOND SENTENCE REVISED
TO PROVIDE THAT "THE INTERNATIONAL LIABILITY OF
STATES FOR TFP IS BASED ON FAILURE TO COMPLY WITH
AN INTERNATIONAL OBLIGATION ...", THEN CONTINUING
WITH PRESENT TEXT. KISSINGER

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